

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE ANNUITY, PENSION, WELFARE and APPRENTICESHIP
SKILL IMPROVEMENT AND SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 137, 137A, 137B, 137C & 137R, AFL-CIO by its
TRUSTEES EDWARD KELLY, JEFFREY LOUGHLIN,
PETER PATERNO, ROSS PEPE, NICHOLAS SIGNORELLI and CLERK'S CERTIFICATE
NICHOLAS SIGNORELLI, JR., and JOHN and JANE DOE,
as Beneficiaries of the ANNUITY, PENSION, WELFARE and 07-CIV-3698 (WCC)
APPRENTICESHIP SKILL IMPROVEMENT AND SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 137, 137A, 137B, 137C & 137R,
AFL-CIO,

Plaintiffs,

-against-

DANIEL A. BUDD EXCAVATING & CONTRACTING, LLC
and BUDD BROTHERS CONSTRUCTION, INC.,

Defendants.
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I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on May 10, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint was personally served on the Defendants DANIEL A. BUDD EXCAVATING & CONTRACTING, LLC and BUDD BROTHERS CONSTRUCTION, INC. on June 19, 2007, by a process server, personal service upon Carol Vogt, an Authorized Agent in the Office of the New York State Secretary of State and a person of suitable age and discretion, and proofs of service was filed on June 26, 2007 via the ECF System.

I further certify that the docket entries indicate that the Defendants have not filed an answer nor otherwise moved with respect to the Complaint herein. The default of the Defendants is hereby noted.

Dated: White Plains, New York
July 13, 2007

J. MICHAEL McMAHON
Clerk of the Court

By:


Deputy Clerk